APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,334	01/23/2002	S. Brandon Keller	10014137-1	5374

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EXAMINER
PANNALA, SATHYANARAYA R

ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/052,334	KELLER ET AL.
Office Action Summary	Examiner	Art Unit	
	Sathyanarayan Pannala	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 January 2002*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892) •

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *3/23/2004*. ⊙

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

     Office Action Summary   Part of Paper No./Mail Date 11092004

DETAILED ACTION

1.   The Application 10/052334 filed on 1/23/2002 has been examined. Claims 1-19

are pending in this Office Action.

Specification

2.   The abstract is objected because the abstract is a copy of the summary.

Corrected abstract of the disclosure is required and must be presented on a separate

sheet, apart from any other text. Applicant is reminded of the proper content of an

abstract of the disclosure..

A patent abstract is a concise statement of the technical disclosure of the patent

and should include that which is new in the art to which the invention pertains. If the

patent is of a basic nature, the entire technical disclosure may be new in the art, and the

abstract should be directed to the entire disclosure. If the patent is in the nature of an

improvement in an old apparatus, process, product, or composition, the abstract should

include the technical disclosure of the improvement. In certain patents, particularly

those for compounds and compositions, wherein the process for making and/or the use

thereof are not obvious, the abstract should set forth a process for making and/or use

thereof. If the new technical disclosure involves modifications or alternatives, the

abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the

invention and should not compare the invention with the prior art.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or
>
> composition of matter, or any new and useful improvement thereof, may obtain a patent therefor,
>
> subject to the conditions and requirements of this title.

4.   Claims 1-18 are rejected under 35 U.S.C. 101, because independent claims 1,

13 and 7 are directed to a system and a method, which are a non-statutory subject

matter.

As per independent claims 1 and 13, the preamble recites "A system for

providing a network based site having pages with a common appearance" and as

per independent claim 7, the preamble recites "A method for providing a network

based site having pages with a common appearance" as drafted said claims are

not technologically embodied on a computer readable medium (See *In re*

Waldbaum, 173 USPQ 430 (CCPA 1972); *In re Musgrave*, 167 USPQ 280 (CCPA

1970) and *In re Johnston*, 183 USPQ 172 (CCPA 1974) also see MPEP 2106 IV

2(b), even though said claim is limited to a useful, concrete and tangible

application (See *State Street v. Signature financial Group*, 149 F.3d at 1374-75, 47

USPQ 2nd at 1602 (Fed Cir. 1998); AT&T Corp. V. Excel, 50 USPQ 2nd 1447,

1452 (Fed. Cir. 1999).

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
>
> another filed in the United States before the invention by the applicant for patent or (2) a patent
>
> granted on an application for patent by another filed in the United States before the invention by the
>
> applicant for patent, except that an international application filed under the treaty defined in section
>
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
>
> only if the international application designated the United States and was published under Article 21(2)
>
> of such treaty in the English language.

6.   Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Dan et

al. (US Patent 6,560,639) hereinafter Dan.

7.   As per independent claim 1, Dan teaches a system for content management tool

to allow users to design and manage simple web sites to complex, database-driven

websites (col. 2, lines 19-25). Dan teaches the claimed "a tag embedded in each page

of a network-based site, each page stored in a page storage medium" as a page

generally includes any linked (tag) file in an internet (col. 10, lines 3-4). Further, Dan

teaches the claimed "a script to be called from within the tag" as the web management

scans the site's database 50 for scripts (Fig. 2, col. 11, lines 28-29). Finally, Dan

teaches he claimed "a configuration database storing page configuration information to

be called or queried by the script" as the web management system 30 may maintain all

of the different components, attributes or meta data of the web page in the database 50

at an ISP 25 (Fig. 2, col. 11, lines 16-24).

8.   As per dependent claim 2, Dan teaches the claimed "a server configured to

retrieve a page from the page storage medium, detect the tag in the page, retrieve the

script associated with the tag, execute the database script in a configuration database

to access page configuration information and serve the page including the page

configuration information" as in step S10, whether the user has requested a web page

attributes form from front end script 35 via the web server 20 is determined and in step

S20, the front end script 35 reads the database 50 associating web page attributes and

web pages in a given web site and sends the requested form having attribute

associations to the user via the web server 20 and the user's web browser 10 (Fig. 3,

col. 12, lines 15-22).

9.   As per dependent claim 3, Dan teaches the claimed "the script comprises

database script" as the front-end and back-end scripts communicate with database 50

(Fig. 2, col. 10 line 67 to col. 11, line 2).

10.   As per dependent claim 4, Dan teaches the claimed "a script database storing

the script" as the front-end and back-end scripts communicate with database 50 and the

examiner interprets that the scripts are stored on the database 50 (Fig. 2, col. 10 line 67

to col. 11, line 2).

11.   As per dependent claim 5, Dan teaches the claimed "the configuration database

and the script database comprise the same database" as web management system 30

maintains all of the different components, attributes or meta-data of the web page in the

database 50 at an ISP25 and the scripts are also stored in the same database 50

(Fig. 2, col. 11, lines 16-18 and 28-29).

12.   As per dependent claim 6, Dan teaches the claimed "each page comprises a

HTML page" as a web page includes a file at the web site notated with standard

scripting language such as HTML (col. 10, lines 4-7).

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
>
> as set forth in section 102 of this title, if the differences between the subject matter sought to be
>
> patented and the prior art are such that the subject matter as a whole would have been obvious at the

time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 7-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dan et al. (US Patent 6,560,639) hereinafter Dan, and in view of Alexander (US Patent 6,732,331) hereinafter Alexander.

15. As per independent claim 7, Dan teaches a system for content management tool to allow users to design and manage simple web sites to complex, database-driven websites (col. 2, lines 19-25). Dan teaches the claimed step of "executing a database script associated with the page to access configuration information from a configuration database" as the front end script 35 reads the database 50 associating web page attributes and web pages in a given web site (Fig. 1; 3, col. 12, lines 18-20). Further, Dan teaches the claimed step of "receiving configuration information associated with the page from the configuration database, wherein the page, including the configuration information, is to be served to a user" as the front end script 35 reads the database 50 associating web page attributes and web pages in a given web site and sends the

requested form having the attribute associations to the user via the web server 20 and

the user's web browser 10 (Fig. 1, 3, col. 12, lines 18-20). Dan does not explicitly teach

receiving a request for web page and retrieving it from a database and providing to the

requester. However, Alexander teaches a method for managing web pages including

metadata. He also teaches as a user can design the structure of a series of related web

pages through a graphical user interface. Alexander teaches the claimed step of

"receiving a request for a page" as the web server 17 services requests for web pages

received from the clients (Fig. 1, col. 4, lines 20-22). Further, Alexander teaches the

claimed step of "retrieving the page from a page storage medium" as web pages are

retrieved form a storage device 19 and sent to the requesting client (Fig. 1, col. 4,

lines 22-23). Thus, it would have been obvious to one of ordinary skill in the data

processing art at the time of the invention, to have combined the teachings of the cited

references because Alexander's teachings would have allowed Dan's method to

organize content augmenting conventional web pages creation tools whereby data

stored in the web page can be easily modified without writing custom data entry

application (col. 2, lines 36-40).

16.   As per dependent claim 8, Dan teaches the claimed step of "executing the

database script comprises retrieving the database script through a tag on the page, the

tag including a link to the database script" as the front-end and back-end scripts

communicate with database 50 and the examiner interprets that the scripts are stored

on the database 50 (Fig. 2, col. 10 line 67 to col. 11, line 2).

17.   As per dependent claim 9, Alexander teaches the claimed step of "retrieving the

page from the page storage medium comprises retrieving the page in a hypertext

markup language format and receiving the configuration information comprises

receiving information in a hypertext markup language format" as the web page is written

in hypertext markup language (Fig. 1, col. 4, lines 28-31).

18.   As per dependent claim 10, Dan teaches the claimed step of "the configuration

information is integrated into the page when the page is served" as the front end script

35 reads the database 50 associating web page attributes and web pages in a given

web site and sends the requested form having the attribute associations to the user via

the web server 20 and the user's web browser 10 (Fig. 1, 3, col. 12, lines 18-20).

19.   As per dependent claim 11, Dan teaches the claimed step of "executing the

database script comprises giving the page a name and using the page name in the

database script to access the configuration database" as the attribute identification or

fields are used like, web page name identification are used by the data base to store

information about each page logically (col. 12, line 64 to col. 13, line 5).

20.   As per dependent claim 12, Alexander teaches the claimed step of "receiving

configuration information comprises receiving information to be displayed in the body of

the page" as a metadata template 100 generated by the content management

framework 18 to allow a user to control the format and content of a data entry form 130.

The data entry form is used to generate a web page 160 (Fig. 1, 6-8, col. 8, lines 5-14).

21.   As per independent claim 13, which claims a system. Dan teaches a system for

content management tool to allow users to design and manage simple web sites to

complex, database-driven websites (col. 2, lines 19-25). Dan teaches the claimed

"executing a database script associated with the page to access configuration

information from a configuration database" as the front end script 35 reads the database

50 associating web page attributes and web pages in a given web site (Fig. 1, 3, col. 12,

lines 18-20). Further, Dan teaches the claimed "receiving configuration information

associated with the page from the configuration database, wherein the page including

the configuration information may be served to a user" as the front end script 35 reads

the database 50 associating web page attributes and web pages in a given web site and

sends the requested form having the attribute associations to the user via the web

server 20 and the user's web browser 10 (Fig. 1, 3, col. 12, lines 18-20). Dan does not

explicitly teach receiving a request for web page and retrieving it from a database and

providing to the requester. However, Alexander teaches a method for managing web

pages including metadata. He also teaches as a user can design the structure of a

series of related web pages through a graphical user interface. Alexander teaches the

claimed step of "receiving a request for a page" as the web server 17 services requests

for web pages received from the clients (Fig. 1, col. 4, lines 20-22). Further, Alexander

teaches the claimed "retrieving the page from a page storage medium" as web pages

are retrieved form a storage device 19 and sent to the requesting client (Fig. 1, col. 4,

lines 22-23). Thus, it would have been obvious to one of ordinary skill in the data

processing art at the time of the invention, to have combined the teachings of the cited

references because Alexander's teachings would have allowed Dan's method to

organize content augmenting conventional web pages creation tools whereby data

stored in the web page can be easily modified without writing custom data entry

application (col. 2, lines 36-40).

22.   As per dependent claim 14, Dan teaches the claimed step of "executing the

database script comprises means for retrieving the database script through a tag on the

page, the tag including a link to the database script" as the front-end and back-end

scripts communicate with database 50 and the examiner interprets that the scripts are

stored on the database 50 (Fig. 2, col. 10 line 67 to col. 11, line 2).

23.   As per dependent claim 15, Alexander teaches the claimed step of "retrieving the

page from the page database comprises means for retrieving the page in a hypertext

markup language format and the means for receiving the configuration information

comprises means for receiving information in a hypertext markup language format" as

the web page is written in hypertext markup language (Fig. 1, col. 4, lines 28-31).

24.   As per dependent claim 16, Dan teaches the claimed step of "the configuration

information is integrated into the page when the page is served" as the front end script

35 reads the database 50 associating web page attributes and web pages in a given

web site and sends the requested form having the attribute associations to the user via

the web server 20 and the user's web browser 10 (Fig. 1, 3, col. 12, lines 18-20).

25.   As per dependent claim 17, Dan teaches the claimed step of "executing the

database script comprises means for giving the page a name and using the page name

in the database script to access the configuration database" as the attribute

identification or fields are used like, web page name identification are used by the data

base to store information about each page logically (col. 12, line 64 to col. 13, line 5).

26.   As per dependent claim 18, Alexander teaches the claimed step of "receiving

configuration information comprises means for receiving information to be displayed in

the body of the page" as a metadata template 100 generated by the content

management framework 18 to allow a user to control the format and content of a data

entry form 130. The data entry form is used to generate a web page 160 (Fig. 1, 6-8,

col. 8, lines 5-14).

27.   As per independent claim 19, which claims a computer storage medium. Dan

teaches a system for content management tool to allow users to design and manage

simple web sites to complex, database-driven websites (col. 2, lines 19-25). Dan

teaches the claimed "executing a database script associated with the page to access

configuration information from a configuration database" as the front end script 35 reads

the database 50 associating web page attributes and web pages in a given web site

(Fig. 1, 3, col. 12, lines 18-20). Further, Dan teaches the claimed "receiving

configuration information associated with the page from the configuration database,

wherein the page, including the configuration information, is to be served to a user" as

the front end script 35 reads the database 50 associating web page attributes and web

pages in a given web site and sends the requested form having the attribute

associations to the user via the web server 20 and the user's web browser 10 (Fig. 1, 3,

col. 12, lines 18-20). Dan does not explicitly teach receiving a request for web page

and retrieving it from a database and providing to the requester. However, Alexander

teaches a method for managing web pages including metadata. He also teaches as a

user can design the structure of a series of related web pages through a graphical user

interface. Alexander teaches the claimed step of "receiving a request for a page" as the

web server 17 services requests for web pages received from the clients (Fig. 1, col. 4,

lines 20-22). Further, Alexander teaches the claimed "retrieving the page from a page

storage medium" as web pages are retrieved form a storage device 19 and sent to the

requesting client (Fig. 1, col. 4, lines 22-23). Thus, it would have been obvious to one of

ordinary skill in the data processing art at the time of the invention, to have combined

the teachings of the cited references because Alexander's teachings would have

allowed Dan's method to organize content augmenting conventional web pages creation

tools whereby data stored in the web page can be easily modified without writing

custom data entry application (col. 2, lines 36-40).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sathyanarayan Pannala
Examiner
Art Unit 2167

srp